



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,373	11/29/2001	Gianluca Francini	22082	8445

7590

08/03/2004

Herbert Dubno
The Firm of Karl F Ross
5676 Riverdale Ave.
Box 900
Riverdale (Bronx), NY 10471

EXAMINER

PAPPAS, PETER

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 08/03/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,373

Applicant(s)

FRANCINI ET AL.

Examiner

Peter-Anthony Pappas

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-13 is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☒ Claim(s) 14-16 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - The formatting is generally unclear in regards to identifying where a given paragraph both begins and ends. It is suggested that a empty line be placed between paragraphs and/or that each paragraph be indented.
 - On page 2, lines 8-10, "three levels" are identified, however, only two levels are disclosed – a highest level and lowest level.
 - On page 4, line 12, "figure 6" should be bulleted.Appropriate correction is required.

Claim Objections

2. Claims 14-16 are objected.
3. Claims 14-15 are objected to because of the following informalities:
 - In regards to claim 14 the version number for ISO/IEC 14496 is missing (page 7, line 9).
 - In regards to claim 15 the language "speaker is face" is unclear and is considered to read as "speaker's face" (page 8, line 5).Appropriate correction is required.

Drawings

4. The drawings Fig. 1, 3-4 and 6 are objected to because they are unclear – the print is generally faded and the images are too dark to substantially make out any details. Corrected drawing sheets, either in black and white or color, are required in reply to the Office action to avoid abandonment of the application.

Art Unit: 2671

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

5. Claims 1-15 are allowed.
6. The following is an examiner's statement of reasons for allowance: The prior art does not teach a method for creating low-level visemes, wherein low-level visemes are defined in specification as: "the term viseme (low-level viseme) is used to indicate a shape of the face, associated with the utterance of a phoneme and obtained by means of the application of low-level MPEG-4 parameters, and does not therefore refer to high-level MPEG-4 parameters (MPEG-4 visemes)" (page 2, lines 13-16).

Art Unit: 2671

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

7. In response to the applicant's remarks in regards to the submission of new sheets of drawings to replace the drawing on file, replacement drawings were not received.

8. In response to the applicant's remarks in regards to the submission of a substitute specification the objection to the specification raised in the prior office action, wherein the term viseme was deemed repugnant to the usual meaning of the term, has been withdrawn.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: Breen et al. (U.S. Patent No. 6, 208, 356 B1) teaches the synthesis of a moving picture of a face performed by converting an input phoneme string into a sequence of mouth shapes or visemes. Basu et al. (U.S. Patent No. 6, 366, 885 B1) teaches a method of speech driven lip synthesis which applies viseme base training models to units of visual speech. Scott et al. (U.S. Patent No. 6, 097, 381) teaches a method and apparatus for synthesizing speech or facial movements to match selected speech sequences. Chen (U.S. Patent No. 5, 608, 839) teaches processing a stream of digitized decoded speech and video signals from a speaker by memorizing a plurality of visemes

Art Unit: 2671

corresponding to phonemes in the audio signal. Erten (U.S. Pub. No. 2002/0116197 A1) teaches combining audio signals that register voice or voices of one or more speaker with video signals that register the image of faces of these speakers.

This application is in condition for allowance except for the following formal matters as disclosed above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter-Anthony Pappas whose telephone number is 703-305-8984. The examiner can normally be reached on M-F 10:00am-7:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 703-305-9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2671

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter-Anthony Pappas
Examiner
Art Unit 2671

PAP



MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600